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January 9, 2009

VIA ELECTRONIC FILING

Hon. Kiyo A. Matsumoto
U.S. District Court, Eastern District of New York
Courtroom 910
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Lopez v. Meluzio, et al., 05-cv-0009 (KAM)(AKT)
Defendant's position on student practice at trial**

Dear Judge Matsumoto:

Our firm represents the defendant in the above-named action. We have been asked to opine on plaintiff's counsel's request that the law students who have been working on this case for Main Street Legal Services, Inc. be allowed to practice at trial. At this time, defendant opposes student practice.

We oppose plaintiff's application on the basis that this is a jury trial. The impact of a team of representatives for plaintiff is likely to create jury confusion and prejudice to the defendant. A jury trial requires the practicing attorney to provide competent direction to laypersons with a limited understanding of the law. This is a responsibility that should not be shouldered by counsel not admitted to any bar.

Significant rights and obligations are involved in this case, which necessitate trial by licensed counsel. While we do not challenge the students' ability to provide competent counsel to plaintiff, allowing students to fill a role reserved for members of the federal bar significantly increases the potential for error resulting in reversal.

Therefore, it is defendant's position that the more prudent approach is to require licensed counsel selected by the plaintiff to represent her at trial. The Eastern District does not have a student practice rule, and the Plan for Student Practice in the Southern District requires written certifications of familiarity with the federal rules and Code of Professional Responsibility and consent by the client in writing. These formalities

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suggest that the court should exercise some discretion in allowing student practice. In the case at bar, defendant opposes student practice.

Respectfully submitted,

/s/ Mark L. Hankin

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